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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,781	07/12/2001	John Border	PD-201022	1488

7590 11/10/2004

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Patent Docket Administration
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EXAMINER

NAWAZ, ASAD M

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,781

Applicant(s)

BORDER, JOHN

Examiner

Asad M Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ^o
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-36 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Balboni et al (WO 93/11622) hereinafter referred to as Balboni.

As to claim 1, Balboni teaches a method for routing information in a communication system that includes a platform and a prioritization apparatus configured to perform a plurality of performance enhancing functions, the method comprising:

receiving the information from the platform and receiving prioritization parameters, wherein the prioritization apparatus maintains a profile that contains the prioritization parameters; (Abstract; Fig 4; page 1, lines 24-31; page 3, lines 5-9 and 19-29)

and routing the information in accordance with the profile. (Abstract; Fig 4; page 1, lines 13-20)

Claims 10, 19, and 28 are rejected for essentially being the system, apparatus, and computer readable media, respectfully, of method claim 1.

As to claim 2, Balboni teaches the method of claim 1, further comprising:
determining a path that the information takes to reach its destination based on the
profile. (Abstract; Fig 4; page 1, lines 16-20)

Claims 11, 20, and 29 are rejected for essentially being the system, apparatus,
and computer readable media, respectfully, of method claim 2.

As to claim 3, Balboni teaches the method of claim 2, further comprising:
determining the path by applying at least one priority rule. (Abstract; page 2, lines 18-
27)

Claims 12, 21, and 30 are rejected for essentially being the system, apparatus,
and computer readable media, respectfully, of method claim 3.

As to claim 4, Balboni teaches the method of claim 1, wherein a priority of the
information is determined by the prioritization apparatus. (Abstract; page 12, lines 18-
23)

Claims 13, 22, and 31 are rejected for essentially being the system, apparatus,
and computer readable media, respectfully, of method claim 4.

As to claim 5, Balboni teaches the method of claim 1, wherein a priority of the
information is determined prior to receipt by the prioritization apparatus. (Abstract; Fig 4;
page 1, lines 28-31; page 4, lines 2-4 and 12-14)

Claims 14, 23, and 32 are rejected for essentially being the system, apparatus,
and computer readable media, respectfully, of method claim 5.

As to claim 6, Balboni teaches the method of claim 1, further comprising:
determining whether the information should be forwarded using an alternate
path.(Abstract; Fig 4; page 10, lines 15-18)

Claims 15, 24, and 33 are rejected for essentially being the system, apparatus,
and computer readable media, respectfully, of method claim 6.

As to claim 7, Balboni teaches the method of claim 1, further comprising:
receiving the prioritization parameters as a data structure from the platform. (Abstract;
page 1, lines 16-20)

Claims 16, 25, and 34 are rejected for essentially being the system, apparatus,
and computer readable media, respectfully, of method claim 7.

As to claim 8, Balboni teaches the method of claim 1, further comprising:
receiving the prioritization parameters from the platform at start-up or when the platform
receives updated path selection or path activation parameters. (Abstract; Fig 4; page 1,
lines 24-27)

Claims 17, 26, and 35 are rejected for essentially being the system, apparatus,
and computer readable media, respectfully, of method claim 8

As to claim 9, Balboni teaches the method of claim 1, further comprising:
applying multiple prioritization rules using boolean operators. (Page 5, lines 13-16; page
16, lines 30-35)

Claims 18, 27, and 36 are rejected for essentially being the system, apparatus,
and computer readable media, respectfully, of method claim 9.

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Conclusion

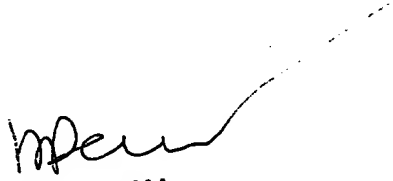
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M Nawaz whose telephone number is (703) 305-0094. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HOSAIN ALAM
SUPERVISORY PATENT EXAMINER